

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RODNEY OMANOFF,

Plaintiff,

22-cv-5827 (PKC)

-against-

ORDER

BRADLEY CARL REIFLER, et al.,

Defendants.

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CASTEL, U.S.D.J.

The limited subject matter jurisdiction of a district court is best addressed at the outset of a case. It falls upon the Court to raise issues of subject matter jurisdiction sua sponte.

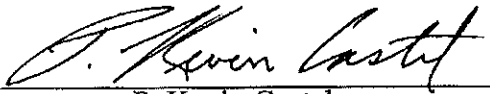
First, the Complaint names as defendants several entities alleged to be “cancelled limited liability compan[ies].” (See, e.g., Doc 1 ¶¶ 100, 102, 104, 106, 108, 110, 112, 125, 140, 163, 166, 169, 171.) A cancelled limited liability company ceases to exist as a legal entity and cannot be named as a defendant in a civil action.

Second, where a complaint premised upon diversity of citizenship names a limited liability company as a party, the complaint must allege the citizenship of natural persons who are members of the limited liability company as well as the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Handelsman v. Bedford Vill. Assocs. Ltd. P’ship, 213 F.3d 48, 51–52 (2d Cir. 2000); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Rule 8(a), Fed. R. Civ. P. Here, the Complaint fails to allege the citizenship of the constituent members of several limited liability

companies named as defendants (e.g., ELOC LLC, Zenith Group Advisors LLC, Port Royal-NCM LLC, Forefront Capital Management LLC).

Within 14 days of this Order, Plaintiffs shall amend the Complaint to (1) remove as defendants any cancelled limited liability companies, and (2) allege, for the members of each limited liability company appropriately named as a defendant, the citizenship (i.e., state (if a US citizen) or country (if not a US citizen)) for all natural person members and the jurisdiction of incorporation and principal place of business for all members that are corporations. Failure to adequately amend the Complaint will result in dismissal for lack of subject matter jurisdiction.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
July 12, 2022